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ALEXANDER L. STEVAS,
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IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1982

No. 82-1353

LEON WHITE, et al., Petitioners,

v.

C. VAUGHN ROUGHTON, et al.,
Respondents.

SUPPLEMENTAL APPENDIX

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SUPPLEMENTAL APPENDIX

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UNITED STATES COURT OF APPEALS

For the Seventh Circuit

Chicago, Illinois 60604

November 9, 1982

Before

Hon. Jesse E. Eschbach, Circuit Judge

Hon. Richard A. Posner, Circuit Judge

Hon. John L. Coffey, Circuit Judge

LEON WHITE, et al., Plaintiffs-Appellants,	)
	)Appeal from the
	)United States
	)District Court
No. 81-2971	)for the Eastern
	)District of
vs.	)Illinois, Dan-
	)ville, Division.
C. VAUGHN ROUGHTON, Defendants-Appellees.	)No. 74 C 165
	)Harold A. Baker,
	)Judge.

ORDER

On September 23, 1982, Leon White, et al., filed a petition for rehearing with suggestion for rehearing en banc. All of the judges of the original panel have voted to deny the petition, and none of the active members of the court has requested a vote on the petition. The petition is therefore DENIED.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
DANVILLE DIVISION

LEON WHITE, et al., Individually and on behalf of all others similarly situated,	)	
Plaintiffs,	)	
vs.	)	No. 74-165-D
WILLIAM RICE, successor to C. VAUGHN ROUGHTON, Township Supervisor of the City of Champaign Township, Champaign, Illinois, et al.,	)	
Defendants.	)	

MEMORANDUM OPINION

This matter is before the court on the petition of the plaintiffs for a rule to show cause, and the responses thereto, why the defendants should not be adjudged in contempt and for a contempt judgment.

The plaintiffs are a class of persons who have been, now are, or will be in the future, applicants for or recipients of general assistance benefits or medical assistance benefits from the town of the City of Champaign Township.

The defendant, William Rice, is the successor in office to C. Vaughn Roughton, Supervisor of the town of the city of Champaign Township. The defendant, acting under color of state law, particularly the Illinois Public Aid Code, is responsible in his official capacity for the acts complained of herein. The court has jurisdiction under the provisions of 28 U.S.C. §1343(3) and (4).

On June 8, 1976, this court entered a Consent Decree which provided in pertinent part that:

> 6. The Plaintiff-Applicants have from this day forward a federal

constitutional right under the Fourteenth Amendment to:

a) written notice detailing the specific reasons why the application is being denied and setting four (sic) the Plaintiff-Applicants' right to appeal;

b) a timely evidentiary hearing, as prescribed by Goldberg v. Kelly, supra, after the denial of their application or termination of their assistance.

7. Both Plaintiff-Recipients and Plaintiff-Applicants have from this day forward a federal constitutional right under the Fourteenth Amendment to defendant Roughton using published, consistent standards governing eligibility and the amount of assistance given as provided by White v. Roughton, _____F.2d _____ (7th Cir., decided Feb. 27, 1976).

8. To insure the aforesaid federal constitutional rights will be protected, and based on the Stipulation and Findings of Facts herein, a permanent injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure shall issue directing Defendant Roughton to forthwith bring the township general assistance program into compliance with Plaintiff-Recipients'

and Plaintiff-Applicants' federal constitutional rights to due process of law, as specifically listed above.

9. To insure protection of these constitutional rights and to comply with Goldberg v. Kelly, supra and White v. Roughton, supra, it is necessary that Defendant Roughton be required from this day forward to administer general assistance in the Town of the City of Champaign, including but not limited to application procedures, eligibility requirements, appeal procedures, and amounts and categories of assistance in accordance with the public written standards adopted by the Town of the City of Champaign; the standards shall from this day forward be substantially in compliance with the standards adopted pursuant to this settlement and attached hereto as Exhibit 2.

10. Plaintiff-Recipients and Plaintiff-Applicants are entitled to declaratory relief as herein above set out in recognition of their federal constitutional rights to procedural due process from Defendant Roughton, et al.

The court then went on to order relief in accordance with its conclusions

of law. The particular relief ordered which is germane in these proceedings is in paragraph 2 of the order. It states:

> 2. Defendant Roughton, et al. are permanently enjoined from failing to apply consistent written standards for eligibility and the amount of assistance to be given to Plaintiff-Recipients and Plaintiff-Applicants. A copy of the standards adopted by Defendant Roughton, et al. pursuant to this settlement is attached hereto as Consent Decree Exhibit 2 and incorporated herein by reference.

The germane portion of Exhibit 2 provides:

> 2-4 Emergency Assistance
>
> Emergency assistance for basic maintenance shall be provided when necessary for an applicant's or recipient's health and well-being. Such emergency assistance shall include but is not limited to vouchers for purchase of food or vouchers for purchase of foodstamps for persons who are without food and without means to obtain food. The provision of emergency assistance does not constitute a final determination of eligibility for continued

assistance. Further, eligibility for such emergency assistance shall not be conditioned on eligibility for continued assistance, but shall be tested on the basis of the applicant's immediate needs for health and well-being.

On February 10, 1981 at a regularly scheduled meeting of the Board of Town Trustees of the town of the City of Champaign Township, Illinois, Resolution 81-1, was adopted. The Resolution repealed Section 2-4 of the Township Standards for General Assistance and it is from that action that the plaintiffs seek relief.

The plaintiffs assert that the repeal of Section 2-4 of the Township Standards for General Assistance without consent of the court or the plaintiffs is a violation of the Consent Decree of June 8, 1976. Plaintiffs' Petition for a Rule to Show Cause was filed October 26, 1981, and was heard October 28, 1981. A rule on the

defendants to show cause why they should not be held in contempt was issued on October 28, 1981, returnable on November 5, 1981. At the hearing on the rule, the rule was discharged and an order entered denying plaintiffs any relief and sending the defendants hence without day.

The question before the court is did the provisions of the Consent Decree of June 8, 1976 prohibit repeal of Section 2-4 of the Standards for General Assistance without prior approval by the court or consent of the plaintiffs. I hold it did not.

The plain meaning of the language of the Consent Decree taken in the context of the litigation is that the plaintiffs were entitled to Fourteenth Amendment procedural due process rights which required the defendants to apply consistent written

standards for eligibility and the amount of assistance to be given to the plaintiffs. The Decree also required the defendants to post the township guidelines for eligibility, amount of aid to be given, and hearing and appeal procedures in a conspicuous location in the offices of the township. The Decree in no manner purported to direct who should be eligible for assistance or that assistance should be rendered at all. Those were legislative decisions. The Decree ordered due process in the form of notice of eligibility requirements and amounts of aid and by requiring written statements for refusing aid and provision for appeal procedures from the decision of the township supervisor.

As pointed out in United States v. Armour & Co., 402 U.S. 673, 682 (1971).

> ...The scope of a consent decree must be discerned within its four corners, and not by reference to what might satisfy the purposes of one of the parties to it. Because the defendant has, by the decree, waived his right to litigate the issues raised, a right guaranteed to him by the due process clause, the conditions upon which he has given that waiver must be respected, and the instrument must be construed as it is written, and not as it might have been written had the plaintiff established his factual claims and legal theories in litigation.

To adopt the interpretation of the Decree urged by the plaintiffs would require this court to enter into the process of deciding who is entitled to general assistance and in what amount that entitlement exists. The intent of the Decree was obviously not to deprive the defendants of their legislative function, but to insure that in carrying out the administrative aspects of their official duties they did so with due process of law.

Accordingly, the Rule to Show Cause against the defendants should be discharged and the defendants go hence without day, the plaintiffs to take nothing by their petition.

SO ORDERED.

ENTERED this 18th day of Dec. 1981.

Harold A. Baker
United States District
Judge

PROOF OF SERVICE

I certify that a true copy of the foregoing Supplemental Appendix for White v. Roughton was deposited in a U.S. Mailbox in /Champaign, Illinois, on February 18, 1983, in a sealed envelope, with the proper postage fully prepaid, addressed to: Gregory E. Pelini, Attorney for Respondents, P.O. Box 97, Urbana, Illinois 61801.

Teresia Pelmere

Signed and sworn to before me this 18th day of February, 1983.

Maryan Staske
Notary Public

George Bell
Attorney for Petitioner
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